

Notice of Allowability

Application No.

10/623,629

Applicant(s)

ZHANG ET AL.

Examiner

Robert B Mondesi

Art Unit

1653

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address--

claims being allowable, PROSECUTION ON THE MERITS IS (OR REMAINS) CLOSED in this application. If not included herewith (or previously mailed), a Notice of Allowance (PTOL-85) or other appropriate communication will be mailed in due course. **THIS NOTICE OF ALLOWABILITY IS NOT A GRANT OF PATENT RIGHTS.** This application is subject to withdrawal from issue at the initiative of the Office or upon petition by the applicant. See 37 CFR 1.313 and MPEP 1308.

☒ This communication is responsive to November 01, 2004.

☒ The allowed claim(s) is/are 1-2 and 9-11.

☒ The drawings filed on 27 October 2003 are accepted by the Examiner.

☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a) ☒ All b) ☐ Some* c) ☐ None of the:

1. ☐ Certified copies of the priority documents have been received.

2. ☐ Certified copies of the priority documents have been received in Application No. _____.

3. ☒ Copies of the certified copies of the priority documents have been received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

* Certified copies not received: _____.

Applicant has THREE MONTHS FROM THE "MAILING DATE" of this communication to file a reply complying with the requirements noted below. Failure to timely comply will result in ABANDONMENT of this application.

THIS THREE-MONTH PERIOD IS NOT EXTENDABLE.

☐ A SUBSTITUTE OATH OR DECLARATION must be submitted. Note the attached EXAMINER'S AMENDMENT or NOTICE OF INFORMAL PATENT APPLICATION (PTO-152) which gives reason(s) why the oath or declaration is deficient.

☐ CORRECTED DRAWINGS (as "replacement sheets") must be submitted.

(a) ☐ including changes required by the Notice of Draftsperson's Patent Drawing Review (PTO-948) attached

1) ☐ hereto or 2) ☐ to Paper No./Mail Date _____.

(b) ☐ including changes required by the attached Examiner's Amendment / Comment or in the Office action of Paper No./Mail Date _____.

Identifying indicia such as the application number (see 37 CFR 1.84(c)) should be written on the drawings in the front (not the back) of each sheet. Replacement sheet(s) should be labeled as such in the header according to 37 CFR 1.121(d).

☐ DEPOSIT OF and/or INFORMATION about the deposit of BIOLOGICAL MATERIAL must be submitted. Note the attached Examiner's comment regarding REQUIREMENT FOR THE DEPOSIT OF BIOLOGICAL MATERIAL.

Attachment(s)

☐ Notice of References Cited (PTO-892)

☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)

☐ Information Disclosure Statements (PTO-1449 or PTO/SB/08), Paper No./Mail Date _____

☐ Examiner's Comment Regarding Requirement for Deposit of Biological Material

5. ☐ Notice of Informal Patent Application (PTO-152)

6. ☐ Interview Summary (PTO-413), Paper No./Mail Date _____

7. ☒ Examiner's Amendment/Comment

8. ☐ Examiner's Statement of Reasons for Allowance

9. ☐ Other _____

Examiner's Amendment

Priority

The current application filed on July 21, 2003 is a CON of PCT/CN/00032 filed on January 21, 2002, which in turn claims priority to a foreign application, China CN01105283.X filed on January 22, 2001. A certified translation of foreign document CN01105283.X has been provided.

An examiner's amendment to the record appears below. Should the changes and/or additions be unacceptable to applicant, an amendment may be filed as provided by 37 CFR 1.312. To ensure consideration of such an amendment, it MUST be submitted no later than the payment of the issue fee.

Authorization for this examiner's amendment was given in a telephone interview with Sean D. Solberg on November 30, 2004.

Please cancel drawings filed July 21, 2003.

Please amend the specification as follows:

On page 6, line 32 insert Fig. in the beginning of the sentence.

On page 7, lines 1 and 5 insert Fig. in the beginning of the sentence.

On page 7, delete lines 9-15 and replace with the following :

Fig. 5. Localization and developmental regulation of Bin1b.

Fig. 5A. Tissue distribution of Bin1b by Northern analysis.

Fig. 5B. Regional distribution of Bin1b in the epididymis by in situ hybridization. Bin1b is located in middle (Mid) of the rat epididymis caput region. Ins: initial segment.

Art Unit: 1653

Fig. 5C. Cellular localization of Bin1b using antisense probe. Bin1b is located in the principle cells (Prc) of the epididymis.

Fig. 5D. Sense probe.

Fig. 5E. 18s probe as positive control.

Fig. 5F. The expression profile of Bin-1b mRNA in the rat epididymis during the whole life span (15-720 days). (1, 2 and 3 represent the mRNA from the caput, corpus and cauda regions, respectively)

On page 7, delete lines 22-27 and replace with the following:

Fig. 7. Antimicrobial activity of Bin1b and its expression upregulation in response to inflammation.

Fig. 7A. Comparison of antimicrobial activity in caput and cauda cultures. 100 colony forming units (CFU) of E. coli was added to cultures 16 hours prior to examination.

Fig. 7B. Effect of antisense of Bin1b on antimicrobial activity of the caput cultures. The cultures were transfected with antisense or sense oligos (5 ug/l) for 20 hours.

Fig. 7C. Enhanced Bin1b mRNA in the caput but not the cauda region of the rat epididymis inflamed by two-week ligation of the spermaductus.

Please cancel **claims 3-8**.

Claim 10 (presently amended) A microbicide comprising an effective amount of

~~The use of the polypeptide of claim 1 as a microbicide.~~

Art Unit: 1653

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Robert B Mondesi whose telephone number is 571-272-0956. The examiner can normally be reached on 9am-5pm, Monday-Friday.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Jon Weber can be reached on 571-272-0925. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Robert B. Mondesi

Robert B. Mondesi
12-03-04



ROBERT A. WAX
PRIMARY EXAMINER

Art Unit 1653